

Request for Reconsideration
Serial No. 10/654,892
Attorney Docket No. 053432

REMARKS

Claims 1, 3-9 and 11-24 are pending in the present application and are rejected.

Applicants' Response to Claim Rejections under 35 U.S.C. §112

Claims 1, 3-9 and 11-24 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that recitations such as “when mounted” render the claims indefinite, because it is unclear what two elements are being mounted to one another. MPEP §2173.02 provides that if one skilled in the art is able to ascertain the meaning of a specific term in light of the specification, 35 U.S.C. §112, second paragraph is satisfied. In response, Applicants respectfully submit that one having ordinary skill in the art would easily be able to ascertain the meaning of the entire phrase “wherein said car inner side fitting portion is nearer than said car outer side fitting portion to a center line of a vehicle when mounted.” This is clearly illustrated in at least Figure 5. Additionally, since the claim also recites “a fitting portion to be attached to the door inner panel,” one having ordinary skill in the art would easily be able to ascertain that it is the fitting portion of the belt molding which is mounted on the inner door panel of the door. Favorable reconsideration is respectfully requested.

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Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claims 1, 3, 4, 20 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Vaughan (U.S. Patent No. 4,949,507).

It is the position of the Office Action that Vaughan discloses the invention as claimed. Vaughan is directed at a one-piece expandable weatherstrip. As illustrated in Figure 7, the weatherstrip includes a rigid elongated core 234 embedded in an elastomer. The elongated core 234 includes an outermost flange 241 and a securement flange portion 235. Leg portions 235a and 235b and securement flange portions 235 together form a downward opening groove into which the end flange 212 of a vehicle body is inserted. Clip 244a projects from the side wall of this downward opening groove to contact the vehicle body. Portion 224, outermost flange 241 and intermediate leg 240 form an upward opening groove into which lip portion 202 of door panel 200 is inserted. Projection 260 projects from the side wall of the upward opening groove and contacts the door panel 200. The upward opening groove is closer to the window 214 than is the downward opening groove.

In response, Applicants respectfully submit that Vaughan does not disclose the invention as claimed. One of the purposes of the present invention is to prevent fingers from being caught in the clearance between the trim board and the elevating window by reducing the clearance. Therefore, the car outer side fitting portion, which is attached to the trim board, has to keep its rigid shape by embedding of the core member. On the other hand, a core member is intentionally not embedded in the car inner side fitting portion to facilitate attachment to the door panel. In Vaughan, the elongated core 234 is not “approximately U-shaped.” Instead, the elongated core

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234 has an irregular shape and is embedded in both the inner and outer portions of the weatherstrip. Accordingly, Applicants respectfully submit that Vaughan does not disclose or suggest the invention as claimed. Favorable reconsideration is respectfully requested.

Claims 13, 15, 17 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Vaughan.

It is the position of the Office Action that Vaughan discloses the invention as claimed. Claims 13, 15, 17 and 22 are directed at a sealing system, including the belt molding and the trim board. Accordingly, Applicants respectfully submit that claims 13, 15, 17 and 22 are patentable over Vaughan for similar reasons as discussed above with respect to claims 1, 3, 4, 20 and 21. Favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of GB 2 362 415 (GB '415).

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of a cloth pressing piece protruding upward from the exterior side of the fitting portion; wherein the cloth pressing piece is configured to press an end portion of a cloth covering a surface of the trim board when the downward flange portion is fitted into the upward opening groove. The Office Action relies on GB '415 to provide this teaching.

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In response, Applicants respectfully submit that claim 5 is patentable due to its dependency on claim 1, which Applicants submit is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

Claims 6-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of JP 07-237448 (JP '448).

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of JP '448.

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of the fitting board having positioning slits which are engageable with positioning ribs of a trim board. The Office Action relies on JP '448 to provide this teaching.

In response, Applicants respectfully submit that claims 6-9 are patentable due to their dependency on claim 1, which Applicants submit is patentable for at least the reasons discussed above. Applicants respectfully submit that claim 14 is patentable due to its dependency on claim 13, which Applicants submit is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

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Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of Bowers et al. (U.S. Patent No. 5,529,650).

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of the molding being formed of an elastomer material. The Office Action relies on Bowers to provide this teaching.

In response, Applicants respectfully submit that claim 11 is patentable due to its dependency on claim 1, which Applicants submit is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of Arata et al. (U.S. Patent No. 6,837,005).

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of the sealing lip being made of a material that is capable of being fusion bonded to a fitting portion and which is softer and more elastic than the fitting portion. The Office Action relies on Arata to provide this teaching.

In response, Applicants respectfully submit that claim 12 is patentable due to its dependency on claim 1, which Applicants submit is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

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Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of EP 0 441 073 (EP '073).

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of EP '073.

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of the upward opening groove having a bottom wall including a holding lip being elastically deformable. The Office Action relies on EP '073 to provide this teaching.

In response, Applicants respectfully submit that claims 16 and 19 are patentable due to their dependency on claims 1 and 13, which Applicants submit are patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of JP '448.

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of the fitting board having positioning slits which are engageable with positioning ribs of a trim board. The Office Action relies on JP '448 to provide this teaching.

In response, Applicants respectfully submit that claim 18 is patentable for similar reasons as claim 13. Favorable reconsideration is respectfully requested.

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Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of GB '415.

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of teaching that a distance between the inner surface of the elevating window and the downward flange is larger than the distance between the inner surface of the elevating window and an outer end of the trim board. The Office Action relies on GB '415 to provide this teaching.

In response, Applicants respectfully submit that since GB '415 is directed at a sealing system in which the upward opening member is interior of the downward opening member, it would not have been obvious to combine the teachings of GB '415 with that of Vaughan, which discloses a downward opening member interior of an upward opening member. Favorable reconsideration is respectfully requested.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vaughan in view of JP '448 and GB '415.

It is the position of the Office Action that Vaughan discloses the invention as claimed, with the exception of the fitting board having positioning slits which are engageable with positioning ribs of a trim board, and the teaching of a distance between the inner surface of the elevating window and the downward flange is larger than the distance between the inner surface of the elevating window and an outer end of the trim board. The Office Action relies on JP '448 to provide the teaching of the former, and GB '415 to provide the teaching of the latter. In

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response, Applicants respectfully submit that claim 24 is patentable for similar reasons as claim 23, discussed above. Favorable reconsideration is respectfully requested.

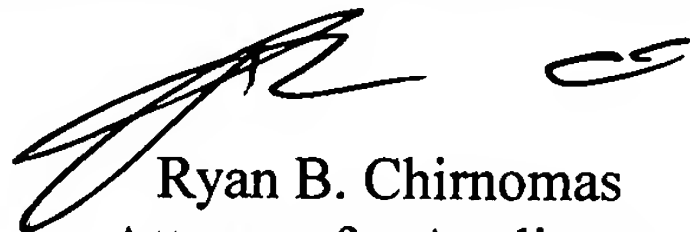
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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